

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
PHILADELPHIA DIVISION

<p><b>In re:</b></p> <p><b>Rae Kimberly Hall,</b> <b>Debtor.</b></p>	<p><b>Bankruptcy No. 24-10718-amc</b></p> <p><b>Chapter 13</b></p>
<p><b>U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR RCF 2 ACQUISTION TRUST</b></p> <p><b>Movant,</b></p> <p><b>v.</b></p> <p><b>Rae Kimberly Hall,</b> <b>Debtor/Respondent,</b></p> <p><b>Kenneth E. West, Esquire,</b> <b>Trustee/Respondent.</b></p>	

**MOTION OF U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS  
INDIVIDUAL CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR RCF 2,  
ACQUISTION TRUST FOR RELIEF FROM THE AUTOMATIC STAY TO PERMIT  
U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS, INDIVIDUAL  
CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR RCF 2, ACQUISTION TRUST  
FOR RELIEF FROM AUTOMATIC STAY TO FORECLOSE  
UPON 2415 SOUTH 20<sup>TH</sup> STREET, PHILADELPHIA, PENNSYLVANIA 19145**

U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS, INDIVIDUAL CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR RCF 2, ACQUISTION TRUST (“Movant”) by and through the undersigned counsel, hereby moves this Court, pursuant to 11 U.S.C. § 362(d), for a modification of the automatic stay provisions for cause, and, in support thereof, states the following:

1. Kimberly Hall (“Debtor”), filed a Voluntary Petition pursuant to Chapter 13 of the United

States Bankruptcy Code on March 4, 2024.

2. Jurisdiction of this cause is granted to the Bankruptcy Court pursuant to 28 U.S.C. § 1334, 11 U.S.C. § 362(d), Fed. R. Bankr. P. 4001(a), and all other applicable rules and statutes affecting the jurisdiction of the Bankruptcy Courts generally.
3. On April 28, 2006, Mildred Chambers and Linda Hall executed and delivered a Promissory Note (“Note”) and Mortgage (“Mortgage”) securing payment of the Note in the amount of \$185,400.00 to Wachovia Mortgage Corporation. A true and correct copy of the Note is attached hereto as Exhibit “A.”
4. The Mortgage was recorded on May 19, 2005 in Document ID 51446775 of the Public Records of Philadelphia County, Pennsylvania. A true and correct copy of the Mortgage is attached hereto as Exhibit “B.”
5. The Mortgage was secured as a lien against the Property located at 2415 South 20<sup>th</sup> Street, Philadelphia, Pennsylvania 19145 (the “Property”).
6. In addition, a Loan Modification (“Agreement”) was entered into on November 17, 2013, thus creating a new principal balance of \$191,640.53. A true and correct copy of the Agreement is attached hereto as Exhibit “C.”
7. The loan was lastly assigned to U.S. Bank Trust National Association, not in its individual capacity but solely as owner trustee for RCF 2 Acquisition Trust and same was recorded with the Philadelphia County Recorder of Deeds on January 20, 2022, as Instrument Number Document ID 53950474. A true and correct copy of the Assignment of Mortgage is attached hereto as Exhibit “D.”
8. Secured Creditor is the holder of the Note (“Noteholder”), and is either the original mortgagee, beneficiary or assignee of the security instrument for the referenced

loan. Noteholder directly or through an agent has possession of the promissory note and the promissory note is either made payable to noteholder or has been duly endorsed.

9. Based upon the Debtor(s)' Chapter 13 Chapter 13 Second Amended Plan (Docket No.{24}), the Debtor intends to cure pre-petition arrearages due to Movant within the Chapter 13 Plan and remains responsible for maintaining post-petition payments directly to Movant. A true and correct copy of the Chapter 13 Second Amended Plan is attached hereto as Exhibit "E."
10. Debtor has failed to make the monthly payments of principal, interest, and escrow in the amount of \$1,114.16 each of which came due on September 1, 2024, October 1, 2024, and November 1, 2024 respectively.
11. Thus, Debtor(s)' post-petition arrearage totals the sum of \$3,342.48 through November 6, 2024.
12. The current unpaid principal balance due under the loan documents is approximately \$131,196.29. Movant's total claim amount, itemized below, is approximately \$242,464.25. *see Exhibit "F."*

Loan Balance for prior period	\$131,196.29
Interest on Loan Balance for this period	\$15,319.00
Escrow Advance	\$18,464.40
Suspense Balance	\$211.12
Fees	\$224.75
Accum Late Charges	\$299.61
Recoverable Balance	\$17,171.32
Total to Payoff	\$242,464.25

13. According to the Debtor(s)' schedules, the value of the property is \$223,272.80. A true and accurate copy of the Debtor(s)' Schedule A/B is attached hereto as Exhibit "G."

14. Under Section 362(d)(1) of the U.S. Bankruptcy Code, the Court shall grant relief from the automatic stay for “cause” which includes a lack of adequate protection of an interest in (real) property. Sufficient “cause” for relief from the automatic stay under Section 362(d)(1) is established where a debtor has failed to make installment payments or payments due under a court-approved plan on a secured debt, or where the Debtor(s) have no assets or equity in the Mortgaged Property.

15. As set forth herein, Debtor has defaulted on his/her/ secured obligation as he/she has failed to make his/her monthly post-petition installment payments.

16. As a result, cause exists pursuant to 11 U.S.C. § 362(d) of the Code for this Honorable Court to grant relief from the automatic stay to allow Movant, its successor and/or assignees to pursue its state court remedies, including the filing of a foreclosure action and/or selling the Property at a scheduled Sheriff Sale..

17. Additionally, once the stay is terminated, the Debtor(s) will have minimal motivation to insure, preserve, or protect the collateral. Therefore, Movant requests that the Court waive the 14-day stay period imposed by Fed.R.Bankr.P. 4001(a)(3).

**WHEREFORE**, Movant, prays this Honorable Court enter an order modifying the automatic stay under 11 U.S.C. § 362(d) to permit U.S. Bank Trust National Association, not in its individual capacity but solely as owner trustee for RCF 2 Acquisition Trust to take any and all steps necessary to exercise any and all rights it may have in the collateral described herein, to gain

possession of said collateral, seek recovery of its reasonable attorney fees and costs incurred in this proceeding, waive the 14-day stay imposed by Fed.R.Bankr.P. 4001(a)(3), and for any such further relief as this Honorable Court deems just and appropriate.

Date: 12/5/2024

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